

S



Frank Dundee &lt;fdundee@gmail.com&gt;

**CLEB4(44538)03172018**

Frank Dundee <fdundee@gmail.com>  
To: andrea.herrmann@civ.ohio.gov

Fri, Apr 27, 2018 at 7:40 PM

Hi Ms. Hermmann,

I received your voicemail regarding my charge with the OCRC and my charge with the EEOC, Charge No. 533-2017-01275, being duplicates. I was not sure when I filed the charge with your agency if it would be considered a duplication. Here is why I filed with your office:

My charge that I filed with your office is related to my charge against University Hospitals. However, the charge that I filed with your office was from a separate incident in November, 2017. During Thanksgiving week I received a letter from Shawn Osborne, VP of Pharmacy Services, dated 11/6/2017, threatening me with termination if I did not attend mandatory EAP sessions, under the UH discipline process, before 12/7/2017. The letter is attached. I felt that this letter constituted a separate violation of the ADA for mandatory medical examinations and that is why I filed a separate charge with your agency, apart from the charge I filed with the EEOC.

This letter specifically mentions a July 26, 2017 mandatory EAP session with UH representative David Riccardi, which was almost 3 hours long, in which I subjected to intrusive questioning about my personal health and ordered to make an appointment with a psychiatrist for a 3 hour evaluation, followed by more EAP sessions with Mr. Riccardi, the number of which was left open-ended. I recorded the entirety of that session with Mr. Riccardi.

Upon doing research after the July 26, 2017 EAP session, I became aware of the fact that employer mandated sessions with the EAP most likely violate the ADA. I informed UH about my findings immediately and filed a charge with EEOC. At that point I was not contacted by any representative from UH regarding future sessions in the UH EAP, until I received the threatening letter from Mr. Osborne, which in itself had many inaccuracies, which I pointed out to Mr. Osborne in email responses to him and Ms. Heather Harmon, VP of Human Resources.

Facing the coercive power of UH that I would be terminated, I agreed to schedule a EAP session. **The curious thing is that Mr. Riccardi was no longer involved and I met with the head of the UH EAP.** Once again, I informed all involved that this was a violation of the ADA. I attended the session in January, 2018. I continued to stress my objections to further EAP sessions and to a mandatory psychiatric examination, citing legal precedent and the fact that these sessions were a direct result of retaliation for filing a protected activity of sexual harassment against my immediate supervisor on June 26 of 2016.

I also cited the specious and suspicious reason for the discipline of June 26, 2017, one year to the date of my filing the protected activity, for words that I used during an email discussing cost-saving suggestion with an HR representative. The words cited in my discipline were the complimentary phrase to the UH representative of "You're a good kid", and the empathetic phrase referring to a pharmacy manager of "he's a pup with little experience" and "a nice boy, but..." This discipline follows a pattern of hostility that I have endured at UH for a period a bit over 5 years, to which I have years worth of copious documentation.

But returning to the original purpose of my email to you, **I filed the charge with your organization because I felt that Mr. Osborne's threat of termination and the mandatory EAP session that resulted, constituted a new incident.** The gap between the first mandatory EAP session on July 26, 2017 and Mr. Osborne's letter was almost 4 months. It also introduced Mr. Osborne's participation in the process. Since your organization has a 6 month limit, I wanted to file a timely charge. Although the charge is related to my EEOC charge, because of the gap of 4 months, it appears to be a new issue. The gap of 4 months is far outside UH's own disciplinary processes, as well. All the relevant information that I have collected since 11/2017 is new and not included in my original EEOC charge.

Regardless, I work 3rd shift, and was asleep when you called today. Please let me know a convenient time to speak with you. I very much appreciate your quick review of my claim. I am on the inside, fighting for my life and the lives of my family. There is an immediateness to the the situation. This is all part of my efforts to expose a practice that has harmed me and many other UH employees. Please forgive any typos as I am writing this before I leave for work. I thank you for your consideration.

Frank Dundee  
7707 Amberwood Trail



Boardman, Ohio 44512

cell 330-398-8274 home 330-726-2662

---

**2 attachments**

**EAP 001085.pdf**  
148K

**EAP 002086.pdf**  
108K